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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,905	11/09/2001	Ricardo L. de Queiroz	D/98485D	7707

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07/14/2003

Patent Documentation Center  
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Rochester, NY 14644

EXAMINER

BRINICH, STEPHEN M

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 07/14/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

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Commissioner for Patents

**Office Action Summary**

Application No.

10/037,905

Applicant(s)

L. DE QUEIROZ, RICARDO

Examiner

Stephen M Brinich

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 April 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

Art Unit: 2624

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claim 25 is rejected under 35 U.S.C. 102(e) as being anticipated by Hintzman et al.

Re claim 25, Hintzman et al. discloses (column 5, lines 11-24) the detection of byte-boundary data (readable upon the not-further-specified "blocking artifacts", as they are generated features introduced into the signal at the boundaries of byte blocks) and the resulting production of an output characteristic of a JPEG (inasmuch as JPEG is a compressed format, an output characteristic of this particular format is inherently "an output indicative of compression").

***Response to Arguments***

3. Applicant's arguments filed 28 April 2003 have been fully considered but they are not persuasive.

Applicant argues (Paper #4: page 1, line 21 - page 3, line 11) that the "block boundary" of the claimed invention is not readable upon the "byte boundary" of Hintzman et al.

While Examiner recognizes that there are differences between the "block boundary" described in Applicant's specification and the "byte boundary" of the Hintzman et al.

Art Unit: 2624

teachings, Examiner continues to maintain the position that the claimed invention (describing "block boundaries of the image" without further limitation) fails to exclude a reading upon the latter.

Applicant argues (Paper #4: page 3, line 12 - page 4, line 2) that "an image artifact is typically regarded as something 'wrong' with the picture from a visual standpoint" and that the detection of artifacts of this sort in order to determine that an image has been compressed is not taught or suggested by Hintzman et al.

However, the claim language does not require that the "blocking artifacts" be distinguished by the visual appearance of the represented image. Thus, Examiner maintains that the phrase may be read upon the general meaning of the word "artifacts" (generated features). In this particular case, the byte boundary information of Hintzman et al. would be an "artifact" in the signal, and would be a "blocking artifact" by its association with the boundary between the blocks of the JPEG signal. In Hintzman et al, this byte boundary information is detected and a signal resulting from this detection is generated. Inasmuch as this detection and signal generation operates as disclosed only if the initial signal is in JPEG format, and JPEG is a compressed format (this being a statement

Art Unit: 2624

of fact previously asserted by Examiner and not disputed by Applicant), the signal resulting from this detection is "an output indicative of compression in response to the detection of the blocking artifacts".

**Conclusion**

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 703-305-4390. The examiner can normally be reached on weekdays 7:00-4:30, alternate Fridays off.


Art Unit: 2624

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center 2600 Customer Service center at 703-306-0377.

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 703-308-7452.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 703-872-9314.

Stephen M Brinich  
Examiner  
Art Unit 2624

smb   
July 8, 2003



THOMAS D.  
~~TONY~~ LEE  
PRIMARY EXAMINER